

**ACHP Staff Comments**  
**Programmatic Agreement Draft**  
**Honolulu High-Capacity Transit Corridor**  
**August 12, 2009**

**TITLE**

- Add ACHP to the title block as a signatory to the agreement with FTA and SHPO, to the “now, therefore” clause that closes the preamble, and to the signature page.

**PREAMBLE**

- Identify the City and County of Honolulu as an invited signatory; identify all other signatories and invited signatories according to their role.
- Note how FTA has addressed its responsibilities under 800.10 of our regulations to notify and invite the Secretary of the Interior (represented by the National Park Service region) to consult if FTA has made a finding of adverse effect for one or more National Historic Landmarks.

**STIPULATIONS**

- ACHP recommends clearly defining roles and responsibilities within the PA as the first stipulation. Stipulation VIII could be moved into such a stipulation.
- Several stipulations would benefit from greater specificity about timeframes for completion, how scopes of work will be developed and reviewed, what party is assigned responsibility for the task, and/or what work products will result. See especially stipulations I, II, III, IV, V, and VI.
- Stipulations should specify, where appropriate, how and when consultation will take place in the preparation and review of work products.
- FTA and the City should coordinate with the Hawaii SHPO in making historic property documentation information accessible to the public per Stipulation I.E.
- What is the value or need addressed by preparing both National Register nominations and HABS/HAER/HALS documentation for certain properties (Stipulations I and V)?
- Will any elements of the raised guideways, stations, or support facilities go through a design review process to minimize their visual effects on historic properties? If so, how will consulting parties be offered the opportunity to review and comment on plans?
- The PA should include a detailed plan for handling post-review discoveries. The language in Stipulation VIII should provide a clear and detailed process for what will take place in the event of a discovery, when and how FTA and the SHPO will be notified, and timeframes for consulting on a treatment plan. What is the relationship of Stipulation X.G. to Stipulation VIII?
- The Archaeological Inventory Survey Plan should be developed to the extent possible now and included as an attachment to the PA to provide a clear protocol for how phased identification, evaluation, effects assessment, and treatment planning will take place. Project phasing and how it relates to the schedule for archaeological work should be made clear in the PA.

- Stipulation IX should be expanded to include archaeological discoveries as well as unexpected effects to above-ground historic properties. ACHP recommends a detailed discovery provision that provides explicit information about the process for notification of a discovery, evaluation of a newly-discovered historic property, and consultation to develop a treatment plan. The process should include discrete timeframes.
- ACHP recommends the addition of stipulations referencing how FTA will handle any emergency situations that may occur during project construction, how objections raised by a member of the public would be addressed, and what measures the City will take to avoid damage to nearby historic properties in the course of project construction through a construction protection plan or similar plan of action.
- Stipulation XI.D should specify a duration for the PA to be implemented.